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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/908,084	07/18/2001	Jon Christopher Cox		7491

7590

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EXAMINER

CHIN SHUE, ALVIN C

ART UNIT

PAPER NUMBER

3634

DATE MAILED: 09/27/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/908,084

Applicant(s)

COX, JON CHRISTOPHER

Examiner

Alvin C. Chin-Shue

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 8 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrases "said elastic means", "said clip means", and "the retaining subject" lack antecedent basis. Claim 11 is merely functional and does further limit any claimed element.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,3, and 9-11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Knauff.

Claims 1-4, and 9-11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Dinkins in fig.3.

Claims 9-11 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ippolito, Kalavity, Cho, or Still.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knauft in view of Dinkins. Knauft shows the claimed device with the exception of the flexible connecting means. Dinkins at 19 shows a flexible connecting means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide Knauft with a flexible connecting means, in lieu of means 38, for connecting his clamp to his stake. Furthermore, to use elastic line to facilitate a tensioned attachment, as is conventional, would have been an obvious mechanical expedient.

Claims 5,6, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinkins. Dinkins at 19 shows a flexible connecting means. To use elastic line to facilitate a tensioned attachment, as is conventional, would have been an obvious mechanical expedient.

Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Knauft in view of Ippolito. Knauft shows the claimed device with the exception of the screw-threaded connection. Ippolito shows a screw threaded head attachment. It would have been obvious to one of ordinary skill in the art at the time the invention was made for Knauft to comprise a threaded connection for

removable attachment of his head. Furthermore, screw threaded connection is a conventional removable connection means and to connect the head of Knauft by same, would have been an obvious mechanical expedient.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Griffiths in view of Deroche. Griffiths shows the claimed device with the exception of the removable head and flexible connecting means. Deroche, of the same field of endeavor, shows a removable head 20 and a flexible connecting means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Griffiths to comprise a removable head and a clamp connected by a flexible connecting means to enable replacement of the head portion of the stake and to enable the use of his clamping means to facilitate the insertion of his stake.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Griffiths in view of Knauft and Dinkins as applied above. Griffiths shows the claimed device with the exception of the removable head and flexible connecting means. Knauft, of the same field of endeavor, shows a removable head. Dinkins a flexible connecting means. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Griffiths to comprise a

removable head a flexible connecting means to enable replacement of the head portion of the stake and to a tensioned attachment to the clamp.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin C. Chin-Shue whose telephone number is 703-308-2475. The examiner can normally be reached on Monday-Friday, 8:00 a.m. - 4:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-3008-1113.



Alvin C. Chin-Shue  
Primary Examiner  
Art Unit 3634